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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,858	12/27/2001	Steven Barritz	P/3704-7	1455

2352 7590 08/23/2006

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EXAMINER	
ABEL JALIL, NEVEEN	

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/034,858	BARRITZ ET AL.	
	Examiner	Art Unit	
	Neveen Abel-Jalil	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. The Amendment filed on August 8, 2006 has been received and entered. Claims 1-35, and are now pending.

2. Applicant's Amendment has overcome the previous claim objections, and rejection under 35 USC 101, and 112, second paragraph.

Claim Objections

3. Claims 1, 3, 6-8, 15, 18, 19, 22-23, 25, 29, 30, and 34 are objected to because of the following informalities:

Claims 1, and 8, recites the limitation "the searchability" and "the system" in the preamble. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claims 1, 3, 6-8, 15, 19, 22-23, 25, 30, and 34, all recite the limitaion "enabling or enables" which is indirect, suggest optionally, and passive which renders any recitation claimed after not be given patentable weight. Appropriate correction is required.

The Examiner points to MPEP 2106 [III-C] wherein the claim's recitation of "enabling or enables" raises the question to Language that suggests or makes optional but does not require

steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

Office personnel must rely on the applicant's disclosure to properly determine the meaning of ** the claims. Limitations appearing in the specification but not recited in the claim are not read into the claim; therefore, in this case, the recitation of "enabling or enables" as interpreted in light of the specification provide the "functionality" or "the capability" of the database management system to perform the steps without definite disclosure limiting or excluding any alternative, negative, or even all together suggest actually performing or implementing the functionality that is database management system is capable of.

Therefore, any cited art that teaches the steps otherwise in the alternative can be used to reject the instant application. The computer being "enabling or enables" perform a function does not mean that it will ever actually perform that functionality (i.e. "enabling or enables" should be clarified and changed to a more definite term "provides", "employs", or "is configured to").

Similarly, the recitation of operable in" in claim 8, carry the same deficiency and same rational. Correction is required.

Claims 30, and 34, recite "for being" in line 15, which constitute intended use making the limitations following not ever having to take place thus carries not patentable weight. Claims should be amended to recite more direct definite language such as "to be viewed". Correction is required.

Claim18, recite "the degree of convergence" in line 3. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim 29; recite "the need" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-7, 14-15, 17, 19-25, 27, 30, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuter (U.S. Patent No. 6,675,161 B1).

As to claim 1, Schuter discloses an interactive system for enhancing the searchability of data, the system comprising:

a categorization system that associates search terms defining categories **or** attributes with items to be found (See column 6, lines 61-67);

a communication system that communicates with the categorization system and with a store of information from which information is to be selected based on the search terms (See column 5, lines 17-34); and

a cooperative facility associated with the categorization system that enables users to interactively and at least partially automatically, modify **or** supplement the search terms initially assigned to the items to be found by the categorization system (See column 8, lines 14-30).

As to claim 2, Schuter discloses in which the store of information is accessible via the Internet (See Figure 1A, 104, shows "network" deemed to read on "Internet").

As to claims 3, and 19, Schuter discloses in which the categorization system enables assigning search terms that are hierarchical and enables assigning search terms that are based on items to be found (See column 7, lines 8-23).

As to claims 4, and 20, Schuter discloses in which the cooperative facility is accessible to the users and the users (See column 14, lines 25-30, also see column 14, lines 62-65).

As to claims 5, and 21, Schuter discloses in which the search terms comprise categories of items to be found that are arranged hierarchically and attributes of items defined descriptively and the categorization and attribute information is stored in a categorization and attribute database (See column 10, lines 65-67, also see Figure 3A, shows hierarchical arrangement).

As to claims 6, and 22, Schuter discloses including a dynamic add category facility that dynamically enables a lister of items in the store of information to use existing categorization and attribute data and to add additional categories via the cooperative facility (See column 14,

lines 25-30, also see column 14, lines 62-65).

As to claims 7, and 23, Schuter discloses including a dynamic add attributes facility that dynamically enables searchers of items in the store of information to use existing categorization and attribute data and to add additional attributes via the cooperative facility (See column 10, lines 65-67, also see column 14, lines 20-30).

As to claims 14, and 24, Schuter discloses including a grouping facility that groups together those attributes that are related to one another (See column 8, lines 22-37, also see column 9, lines 420, wherein "class of content" is stored under similar attributes).

As to claims 15, and 25, Schuter discloses including an attribute facility that enable searchers to specify attribute selections by entry of a plurality of terms connected by Boolean expressions (See column 19, lines 20-31).

As to claims 17, and 27, Schuter discloses in which the cooperative facility includes a subsidiary facility that removes redundancies in categorization and attribute search terms (See column 16, lines 10-20, wherein "duplicate and redundancies" are deemed to be removed as a result of "matching").

As to claim 30, Schuter discloses a computer-implemented method of searching for data items in a data store, the method comprising the steps of:

operating a computer-based communication system that effects communications between a plurality of data searchers and the data store containing the data items (See Figure 1B, shows computer based communication network);

operating a search engine that enables the data searchers to enter initial key words describing data items to be found (See column 5, lines 17-34);

receiving over the computer-based communication system selected data items that are responsive to the initial key words in a given order of items, organized into successive viewable pages (See column 9, lines 62-67, wherein "initial.keywords" reads on "category" headings, and wherein "viewable pages" reads on "window" having different tabs leading to successive pages);

initiating a manual review of the received selected data items (See column 10, lines 15-24); and

operating on a computer device an automatic clustering tool that is responsive to the items manually perused by the data searcher, including items not reviewed by the data searcher, the automatic clustering tool responding to the user's action by interactively creating categorization criteria by which at least a portion of the received selected data items are reordered or filtered **for** being viewed by the data searcher, by which a further search is performable with results that are based thereon (See column 7, lines 15-23, also see column 10, lines 65-67, and see column 14, lines 24-30).

As to claim 32, Schuter discloses in which the automatic clustering tool constantly revises the categorization criteria in response to continuous reviewing of the selected data items by the data searchers (See column 11, lines 49-64, and see column 12, lines 3-11, wherein

"constantly revises" is deemed to be "automatic clustering" function to update).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 29, 31, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuter (U.S. Patent No. 6,675,161 B1) in view of Chen et al. (U.S. Patent No. 6,728,752 B1).

Claim 29, Schuter teaches further comprising a monitor facility that, in combination with an automatic clustering facility, minimizes the need of a search engine user to successively refine search terms in a manual fashion" ("minimizes the need" is intended use recitation which does not carry any patentable weight, should be amended to recite "minimizing the number of successful refining by a search engine user in a manual fashion").

Schuter does not teach by monitoring which particular result-items a user has historically chosen to visit.

Chen et al. teaches by monitoring which particular result-items a user has historically chosen to visit (See Chen et al. column 3, lines 30-33, prior art, also see Chen et al. column 6, lines 25-35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically cluster by monitoring which particular result-items a user

has historically chosen to visit because it allows for minimum classification error and maximizing mutual information access (See Chen et al. column 5, lines 26-31).

As to claim 31, Schuter does not teach in which the automatic clustering tool responds to a searcher's data item perusal in a prior session.

Chen et al. teaches in which the automatic clustering tool responds to a searcher's data item perusal in a prior session (See Chen et al. column 3, lines 30-33, prior art, also see Chen et al. column 6, lines 25-35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to the automatic clustering tool responds to a searcher's data item perusal in a prior session because it allows for minimum classification error and maximizing mutual information access (See Chen.et al. column 5, lines 26-31).

As to claim 33, Schuter does not teach in which the automatic clustering tool is responsive to a given data searchers' reviewing activity over a period of time.

Chen et al. teaches in which the automatic clustering tool is responsive to a given data searchers' reviewing activity over a period of time (See Chen et al. column 18, lines 17-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to the automatic clustering tool is responsive to a given data searchers' reviewing activity over a period of time because it allows for multiple feature use and collection of disparate type of information for better information classification (See Chen et al. column 4, lines 21-29).

As to claim 35, Schuter does not teach including creating search context for a search session and saving search context from a prior search session to a subsequent search session.

Chen et al. teaches in which the automatic clustering tool is responsive to a given data searcher's reviewing activity over a period of time (See Chen et al. column 3, lines 10-16, prior art, also see Chen et al. column 6, lines 60-66, and see Chen et al. column 25, lines 53-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to it the automatic clustering tool is responsive to a given data searcher's reviewing activity over a period of time because it provides users fast interactive access for useful documents (See Chen et al. column 8, lines 16-29).

Allowable Subject Matter

8. Claims 16, 18, 26, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Although no rejections in view of prior art are made regarding claims 8-13, and 34, no claims in this application will be indicated as allowable until after a response to this action has been reviewed, as to the fact that certain changes many not produce allowable claims.

Response to Arguments

10. Applicant's arguments filed on August 8, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that "Suchter does not teach or suggest "search terms" or enabling listers and searchers to interactively modify or supplement search terms that are initially assigned to items to be found by the categorization system" is acknowledged but not deemed to be persuasive.

Term is defined by google.com to be: Terminology is the set of all the terms related to a given subject field or discipline (i.e. category or subject title).

Subject matter is searchable and can be broadly interpreted as a "term". There are various indication in the cited reference to capabilities of the system to provide search and retrieval of data such as the disclosure of browsers, search engines, and databases.

Thus, in Suchter by stating in column 1, lines 40-45, prior art, "user may browse the taxonomy and the underlying directory by selecting successive categories until a category of interest is reached, or may select a document associated with a particular category", and emphasized later in column 13, lines 42-50, he is teaching category names and document topic maps broadly interpreted to read on the argued limitation.

Furthermore, each category not only has a total that is searchable but also has a hyperlink that can be clicked on to access related categories all identified by URL or any kind of electronic document may be used, including file names, abstract names, numbers, etc. (which is also a searchable term).

It is agreed that Suchter teaches a directory index of documents and attributes, but he also clearly teaches the directory to be searchable (i.e. by search terms) in column 5, lines 61-67, Directory 114 is an index of the documents in the cache 110. Alternatively, directory 114 indexes all documents that are available using network 104. Directory 114 may be organized according to a taxonomy of categories that classify electronic documents by subject matter, technical field, etc. An example of a commercial search engine that supports a directory-driven search is the DIG search engine.

If the Applicant has a specific syntax or definition to the recitation of "search term" then it should be claimed as such.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil
August 18, 2006

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
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